

S/023/0056  
cc: Wayne



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
Fillmore Field Office  
95 E 500 N  
Fillmore, UT 84631  
<http://www.blm.gov/ut/st/en/fo/fillmore.html>



RECEIVED

DEC 05 2013

DIV. OF OIL, GAS & MINING

IN REPLY REFER TO:  
3809 (UTW02000)  
UTU-75852

December 3, 2013

CERTIFIED MAIL # 7012 3460 0000 6633 0601  
RETURN RECEIPT REQUESTED

## DECISION

Mr. Ed Harris  
466 West 400 North  
Delta, UT 84624

:  
: 43 CFR 3809  
: Surface Management Notice  
:

### Notice Expired – Reclamation Required

You filed a Notice for mineral exploration and mining activity in the Fillmore Field Office (FFO), Bureau of Land Management (BLM) in January 1998. The Notice proposed exploration for specialty stone in the Swasey Mountain area of Juab County, Utah within Township 14 South, Range 14 West, in aliquot parts of section 25; Salt Lake Meridian. The BLM case file number for your Notice is UTU-75852. Please refer to this number in any future correspondence. The corresponding case file number with the Utah Division of Oil, Gas, and Mining (UDOGM) is S/023/0056.

You also maintain currently Active Mining Claim UMC363453, the Crystal Clear claim, at this location. The claim allows you the possessory right to the specified minerals within the claim boundary, but it does not relieve you of responsibility for reclamation of surface disturbances. Excavations and various items of equipment have been documented at the site. Earthwork must be performed on surface disturbances and equipment and containers must be removed.

Notice Expired – Your Notice expired on March 26, 2004. As specified by the Code of Federal Regulations (CFR) in 43 CFR § 3809.335(a), when your Notice expires, you must – (1) Cease operations, except reclamation, and (2) complete reclamation promptly according to your Notice. As stated in 43 CFR § 3809.335(b), your reclamation obligations continue beyond the expiration or any termination of your Notice until you satisfy them.

Reclamation Required – Within 30 days of issuance of this decision, you must commence reclamation activity required by your Notice on file with the BLM and with regulations as

specified in 43 CFR. Surface disturbance areas such as the access road and quarry area must be regraded to conform to the surrounding topography. Reshaped surfaces must be covered with a soil growth medium and the surfaces must be seeded with an appropriate seed mix. The seed mix will be provided by the BLM Fillmore Field Office upon request.

All initial reclamation activity, including required earthwork and reseeding, must be completed within 60 days of this decision or within 60 days of the initiation of activities after notification to the BLM of the reason for delay. BLM resource specialists will continue to monitor your progress in meeting your reclamation obligations, including the success of the re-vegetation in the disturbed area. The BLM will inform you when all reclamation standards have been met and whether your obligations are complete.

Should you fail to commence reclamation within 30 days of this decision or fail to complete necessary reclamation within 60 days of issuance of this decision, BLM will initiate reclamation procedures and bill for reclamation will be sent to you. If necessary, collection procedures will be initiated if the reclamation bill is not paid.

If you are unable to initiate reclamation activities due to weather or other factors, contact the BLM Fillmore Field Office to explain the reason for the delay. The BLM will work with you to prepare a schedule so that you may complete reclamation to BLM standards and avoid an outstanding bill.

Appeal of the Decision - If you do not agree and are adversely affected by this decision, in accordance with 43 CFR §3809.800, you may request that the BLM Utah State Director review this decision. If you request a State Director review, the request must be received in the BLM Utah State Office at:

Utah State Office  
Bureau of Land Management  
440 West 200 South, Suite 500  
Salt Lake City, Utah 84101-1345

The request must be received no later than 30 calendar days after you receive this decision. A copy of the request must also be sent to the FFO. The request must be in accordance with the provisions provided in 43 CFR §3809.805. If a State Director review is requested, this decision will remain in effect while the State Director review is pending, unless a stay is granted by the State Director. Standards for obtaining a stay are given below. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

If the State Director does not make a decision regarding your request for review of this decision within 21 days of the BLM's receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the BLM Utah State Office to determine when the BLM receives the request for State Director Review. You have 30 days from the end of the 21 day period in which to file your notice of appeal with the IBLA (see procedures below).

If you wish to bypass a State Director review, this decision may be appealed directly to the IBLA in accordance with the regulations contained in 43 CFR Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in the FFO at:

Fillmore Field Office  
Bureau of Land Management  
95 East 500 North,  
Fillmore, Utah 84631

Your notice of appeal must be filed within 30 days from the receipt of this decision. The appellant has the burden of proof showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulations 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, the petition for a stay must accompany your notice of appeal.

A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a stay must also be submitted to each party named in the decision and to the IBLA and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with the FFO. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

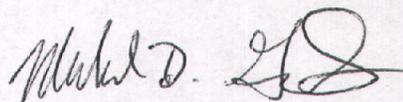
#### Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied
2. The likelihood of the appellants success on the merits
3. The likelihood of immediate and irreparable harm in the stay is not granted
4. Whether the public interest favors granting the stay

If you have any questions or concerns please contact Duane Bays, Natural Resource Specialist, Fillmore Field Office, at (435) 743-3115.

Sincerely,



Michael D. Gates  
Field Office Manager

## Enclosures:

Form 1842-1  
Active Mining Claims List for T14S R14W, sec. 25

cc: Opie Abeyta and Rita Stelmach  
Utah State Office  
Bureau of Land Management  
440 West 200 South, Suite 500  
Salt Lake City, Utah 84101-1345

Paul Baker  
UDOGM  
1594 W North Temple Ste 1210  
SLC, UT. 84114-5801

Mr. Gary Harris  
420 North 350 East  
Delta, Utah 84624

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
LIST OF MINING CLAIMS BY SECTION

MTRS: 26 0140S 0140W 025

<u>Serial Number</u>	<u>Quad</u>	<u>Claim Name</u>	<u>Claimant</u>	<u>Lead File</u>	<u>Case Type</u>	<u>Status</u>	<u>Loc Date</u>	<u>Last Assmt</u>
UMC363453	NE,NW,SW,SE	CRYSTAL CLEAR	HARRIS ED	UMC363453	384101	ACTIVE	07/02/1997	2014
	NE,NW,SW,SE		HARRIS GARY	UMC363453	384101	ACTIVE	07/02/1997	2014
UMC380783	NW	SWASEY 2	DEEP CREEK EXPLORATION CO	UMC380782	384101	ACTIVE	09/05/2005	2014
UMC380785	NW	SWASEY 4	DEEP CREEK EXPLORATION CO	UMC380782	384101	ACTIVE	09/05/2005	2014
UMC380787	NW	SWASEY 6	DEEP CREEK EXPLORATION CO	UMC380782	384101	ACTIVE	09/05/2005	2014
UMC380789	NW,SW	SWASEY 8	DEEP CREEK EXPLORATION CO	UMC380782	384101	ACTIVE	09/05/2005	2014
UMC380791	SW	SWASEY 10	DEEP CREEK EXPLORATION CO	UMC380782	384101	ACTIVE	09/05/2005	2014
UMC380793	SW	SWASEY 12	DEEP CREEK EXPLORATION CO	UMC380782	384101	ACTIVE	09/05/2005	2014
UMC380795	SW	SWASEY 14	DEEP CREEK EXPLORATION CO	UMC380782	384101	ACTIVE	09/05/2005	2014
UMC380797	SW	SWASEY 16	DEEP CREEK EXPLORATION CO	UMC380782	384101	ACTIVE	09/05/2005	2014
UMC380801	SW,SE	SWASEY 20	DEEP CREEK EXPLORATION CO	UMC380782	384101	ACTIVE	09/05/2005	2014
UMC380802	SW,SE	SWASEY 21	DEEP CREEK EXPLORATION CO	UMC380782	384101	ACTIVE	09/05/2005	2014
UMC420068	SE	SP 135	BRONCO CREEK EXPLORATION INC	UMC419934	384101	ACTIVE	11/11/2012	2013